

INITIAL STATEMENT OF REASONS

Amend Academy Instructor Certificate Program Content

Incidental Instruction Certificate Program Content

Regulation 1009

At the February 23, 2017 meeting, the Commission approved the proposed amendment to Regulation Section 1009 – Academy Instructor Certificate (AICP) Content

POST is proposing a regulatory amendment to Regulation 1009(a), as part of an ongoing process to determine if they are consistent with current practice, clear and concise, and meet the needs of POST's clients.

The specific benefits anticipated by this proposed regulation change will allow for instructional clarity and supplement to content instructed by allowing for specialized instruction. This change will reflect current practice with respect to interpretation of Regulation 1009, to give Directors, Coordinators, and RTOs the latitude to provide incidental instruction and guidance. By doing so, this modification to Regulation would allow presenters the ability to utilize the subject matter expertise of the academy staff to provide critical guidance to students by allowing academy staff to provide incidental instruction as needed to supplement and clarify content taught in the formalized setting.

Justification for Proposed Revisions

Regulation 1009(a) Academy Instructor Certificate Content

Regular Basic Course (RBC) presenters have revealed a technical inconsistency between regulations with respect to the requirements for academy instructors and the administrative staff assigned to oversee the academies (Directors, Coordinators, and Recruit Training Officers).

The proposed revisions were made to bring regulations into alignment with current practices, and to allow staff to more efficiently meet the training needs of POST agencies. The proposed changes are necessary because not all instruction requires academy personnel to obtain an Academy Instructor Certificate, as some instructional content is general in nature and designated academy staff are qualified to enhance the students' instructional experience. Instructors of any specialized subjects listed in subsection 1070(b) shall successfully complete the corresponding training course listed in subsection 1070(b), or complete the equivalency process outlined in subsection 1070(c).

There is a need to exclude instructional content identified in Regulation 1070, which requires specialized instruction, and shall expressly preclude academy staff from utilizing this language as a mechanism to bypass the intent of the AICP as codified in Regulation 1009. It is necessary to exclude instructional content identified in Section 1070, as this content requires specialized instruction of enhanced and unique skill sets. Enhanced instruction requires completion of an equivalency process for an Academy Instructor Certificate. Effective March 1, 2008, completion of the Academy Instructor Certification Course specified in Regulation 1082 or passage of the AICC Equivalency Process specified in Regulation 1009(c)(4), shall be a prerequisite to teaching any* of the specialized subjects listed in Regulation 1070(b) when the subject is taught in the Regular Basic Course.

Although AICP requirements are not expressly mandated in regulation 1009 for the Specialized Investigator's Basic Course (SIBC), POST staff requested the modified language allowing for incidental instruction by academy staff be applicable to the SIBC as well.

Business Impact/Small Businesses

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The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for governmental law enforcement agencies. The proposed regulation pertains exclusively to instruction by academy instructors and or designated academy staff and do not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendment will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

The Commission has determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Benefits Anticipated

The benefits of proposed amendments to the regulation will consistent with current practice, clear and concise, and meet the needs of POST's clients.

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect in regards to the environment, the prevention of discrimination, and the increase in openness and transparency in business and government. Thus, the law enforcement standards of POST preserve peace, protection of public health, safety, and the welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training sets selection and training standards for governmental law enforcement agencies that are POST members. The proposed revisions pertain to specific internal functions of POST in granting exemptions to the requalification requirements for RBC courses and SIBC and this regulation change is relevant, comprehensive, and consistent to the needs of POST stakeholders. Accordingly, adoption of the proposed regulatory revisions will neither create nor eliminate jobs in the State of California nor result in the elimination of existing

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businesses or create or expand businesses in the State of California.

Assessment:

The proposed revisions pertain solely to training requirements and exemptions solely utilized by governmental law enforcement agencies that are POST members. As a result, the adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.